

REMARKS

Upon entry of the claim amendments made herein claims 1-16 are pending. Applicants have amended claim 1, 2 and 8, and added claims 13-16. Support for the amendments to claim 1 can be found in the specification as filed at page 3, line 20-21, page 6, lines 4-8, and page 7, lines 11-13. Support for the amendments to claim 2 can be found in the specification as filed at page 6, lines 5-8. Support for the amendment to claim 8 can be found in the specification as filed at page 8, lines 14-15. Support for new claims 13-16 can be found in the specification as filed at page 5, lines 5-10, page 6, lines 9-10, page 6, line 13, and page 8, lines 14-15, respectively. No new matter has been added by these amendments.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-3, 7 and 8 under 35 U.S.C. § 112 first paragraph, for failing to comply with the written description requirement. The Examiner asserts that the negative limitation introduced in the amendment to claim 1 filed on July 21, 2006, namely “the blood-flow to abdominal organ decrease preventing agent is not nitric oxide”, introduces new matter which did not appear in the specification as filed (Office Action, page 3). With the amendments filed herein, Applicants have deleted the negative limitation. Therefore, this rejection is moot and should be withdrawn.

The Examiner has also rejected claims 1-8, under 35 U.S.C. § 112, first paragraph, for lack of written description. The Examiner asserts the claims directed to encompass any “the blood-flow to abdominal organ decrease preventing agent”, “the insufflating gas”, and “abdominal organ” necessitates an exhaustive search for the embodiments suitable to practice the claimed invention (Office Action, page 4). Claim 1 has been amended herein to define the insufflating gas to be selected from carbon dioxide, helium, argon, or nitrogen, and the blood-flow to abdominal organ decrease preventing agent to be selected from ethyl nitrite, methyl nitrite, tert-butyl nitrite, isoamyl nitrite, trifluornitrosomethane, CF_3NO , CF_3SNO , CH_3SNO , $\text{CH}_2=\text{CHSNO}$, $\text{CH}_2=\text{CHCH}_2\text{SNO}$, $\text{ONSCH}_2\text{-CH}_2\text{-CH}_2\text{SNO}$, $\text{CH}_3\text{CH}_2\text{CH}_2\text{SNO}$. With these amendments, Applicants submit that one of ordinary skill in the art would readily recognize that Applicants had possession of the claimed invention at the time the application was filed. Reconsideration and withdrawal are respectfully requested.

35 U.S.C. § 103 rejection

The Examiner has rejected claims 1-8 under 35 U.S.C. § 103, for obviousness over Briend *et al.*, U.S. Patent No. 5,670,177 (“Briend”), in light of Stamler *et al.* U.S. Patent No. 6,314,956 (“Stamler”).

Applicants have amended claim 1 to include the limitation of delivery of a therapeutically effective amount of the blood-flow to abdominal organ decrease preventing agent directly to the abdominal cavity. Support for this amendment can be found in the specification as filed at page 6, lines 4-8. Briend is directed towards intravenous administration of a gaseous mixture of NO and CO₂ to prevent ischemia, and Stamler is directed towards the administration of a gaseous mixture containing ethyl nitrite directly into the lungs. Neither Briend nor Stamler, alone or in combination, disclose or suggest the delivery of a blood-flow to abdominal organ decrease preventing agent directly to the abdominal cavity to negate or reduce a decrease in blood flow in an abdominal organ which would otherwise have decreased oxygen delivery because of decreased blood-flow therein because of being contacted with insufflating gas. Since the combination of Briend and Stamler do not teach or suggest all of the claim limitations recited by the amended claims herein, Applicants submit that the instant claims are not obvious in view of the combination of the cited references. As such, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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